

EXHIBIT 3A

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

CHARLES SEWARD,)
Individually and on Behalf)
of All Others Similarly) 08 CIV 3976 (KMK)
Situating,)
Plaintiff,) ECF CASE
vs.)
INTERNATIONAL BUSINESS)
MACHINES CORPORATION,)
D/B/A IBM CORP.,)
Defendant.)

Deposition of GARY A. KAMPRATH, taken on
behalf of the Plaintiff, pursuant to the
stipulations contained herein, in accordance
with the Federal Rules of Civil Procedure,
before Debbie Chandler, RPR, Certified Court
Reporter, at 1420 Peachtree Street, Suite 800,
Atlanta, Georgia, on the 11th day of November,
2008, commencing at the hour of 12:00 p.m.

* * *

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Kamprath

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Plaintiff's Exhibit	Description	Marked/First Identified
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21 ---

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1 GARY A. KAMPRATH,

2 having been first duly sworn, was examined and

3 testified as follows:

4 EXAMINATION

5 BY MR. LANGE LAND:

6 Q Hi. State your name for the record,
7 please.

8 A Gary Kamprath.

9 Q Do you have a middle name?

10 A Gary Allen Kamprath.

11 Q Can you spell your last name?

12 A K-A-M-P-R-A-T-H.

13 Q All right. And what is your address?

14 A 424 Creekside Lane in Woodstock, Georgia.

15 Q How long have you lived there?

16 A Since 1994.

17 Q What's your phone number?

18 A (770) 928-3981.

19 Q Your Social Security number?

20 A I don't like to give that out.

21 Q Give me your last four digits.

22 A Oh, sure, 3825.

23 Q Are you married?

24 A No.

25 Q Have you ever been married?

Page 5

1 A Yes.

2 Q And when did that marriage end?

3 A 1993.

4 Q Is that the only time you were ever
5 married?

6 A Yes.

7 Q Any children?

8 A No.

9 Q Have you ever given a deposition before?

10 A Nope.

11 Q Okay. So do you understand that you're
12 under oath?

13 A Yes.

14 Q And what does that mean to you?

15 A That you must tell the truth.

16 Q All right. And let me just go over some
17 rules.18 If I ask you a question and you don't
19 understand the question, can you just ask me to
20 rephrase it?

21 A Sure.

22 Q Otherwise, I'm going to assume that you
23 understood the question.

24 A Okay.

25 Q All right. And you have to answer in

Page 6

1 audible response.
 2 A Okay.
 3 Q Yes or no, not an "uh-huh" or something
 4 because she's taking the deposition down.
 5 A Okay.
 6 Q And please let me finish the question.
 7 I'll let you finish your answer. That way we won't
 8 talk over each other, and we will get a good clean
 9 record.
 10 A Sure.
 11 Q And if you need to have a break, let me
 12 know. The only time that I ask that you don't have a
 13 break is if a question is pending.
 14 A Sure.
 15 Q Okay, great.
 16 Did you do anything to prepare for
 17 today's deposition?
 18 A I talked to my attorney.
 19 Q When did you do that?
 20 A Yesterday morning for a couple of hours
 21 and this morning for a couple of hours.
 22 Q So about how long have you prepared
 23 total?
 24 A A few hours, four or five hours.
 25 Q Okay. Did you look at any documents?

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1 MR. RAY: I'll object to the extent it
 2 calls for attorney/client privilege.
 3 He can answer to the extent he looked at
 4 documents to refresh his recollection.
 5 THE WITNESS: Yes.
 6 BY MR. LANGELAND:
 7 Q What documents did you look at?
 8 A E-mail.
 9 Q What e-mail?
 10 A E-mail that I had sent out back at the --
 11 in the summer of '86.
 12 Q Summer of 1986?
 13 A I'm sorry, of 2006.
 14 Q It was just one e-mail?
 15 A Yes.
 16 Q That's all you looked at?
 17 MR. RAY: And, again, I'll just say
 18 object to the extent it calls for
 19 attorney/client privilege.
 20 He can answer to the extent you're
 21 talking about documents used to refresh his
 22 memory.
 23 BY MR. LANGELAND:
 24 Q Can you answer the question?
 25 A I'm sorry?

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1 Q What other documents did you look at?
 2 MR. RAY: The same objection and
 3 instruction.
 4 And just to the extent you looked at
 5 documents to refresh.
 6 THE WITNESS: Oh, a document that I had
 7 received previously which I used to construct
 8 the first e-mail we were talking about.
 9 BY MR. LANGELAND:
 10 Q And were there any other documents that
 11 you looked at?
 12 A No.
 13 Q Who have you spoken with about this
 14 lawsuit?
 15 A Only -- only my attorney.
 16 Q Nobody at work?
 17 A No, no one.
 18 Q Did you let anybody know at work that you
 19 were coming here?
 20 A Yes.
 21 Q Who?
 22 A My coworker.
 23 Q Who is your coworker?
 24 A Tonya McKay.
 25 Q What's her relationship to you?

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1 A She is a coworker who does similar work.
 2 Q Is she your manager?
 3 A No. She's a coworker. She sits next to
 4 me.
 5 Q And you let nobody else know that you
 6 were coming here?
 7 A My -- my boss has received carbon copies
 8 of the information that I would be here.
 9 Q Okay.
 10 A So he's aware of it. I haven't been
 11 talking to him, but he would be aware of it from
 12 carbon copy.
 13 Q And who is your boss?
 14 A Al Mitchell.
 15 Q Al Mitchell?
 16 A Yes.
 17 Q Spell the last name, please.
 18 A M-I-T-C-H-E-L-L.
 19 Q What's his position?
 20 A Well, he's my boss. His -- his title
 21 is -- I'm sorry. I forget his title.
 22 Q Okay. Where does he work?
 23 A Here in Atlanta.
 24 Q Is he at the Riveredge facility?
 25 A He has an office there.

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1 Q Where else?
 2 A Home, his home. He works out of his
 3 home.
 4 Q Did you speak with anyone other than
 5 Tonya McKay about the lawsuit?
 6 A I didn't speak to -- I didn't speak to
 7 Tonya McKay about the lawsuit.
 8 Q You told her you were coming here?
 9 A Yeah.
 10 Q What did you tell her?
 11 A Just that I was -- in fact, I didn't even
 12 tell her that I would be here. I just happened to
 13 place a phone call to her this morning.
 14 Q What did you say in your phone call?
 15 A Just that I was here. I was calling in
 16 to just check to see if anyone needed me.
 17 Q Why did you call her?
 18 A Just to check in.
 19 Q What year did you -- well, let me back
 20 up.
 21 Can you describe your education since
 22 high school?
 23 A Yeah. I have a Bachelor's in Business
 24 Administration with a minor in Marketing and --
 25 Q Where did you get that from?

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1 A Fredonia State -- New York State College.
 2 Q And when did you get that degree?
 3 A I graduated in '73.
 4 Q Do you have any other education after
 5 that?
 6 A Yes. A couple of years of graduate work
 7 for Arts Administration or commonly called Theater
 8 Management.
 9 Q And was that directly after you left
 10 Fredonia State?
 11 A No. I had worked in-between.
 12 Q Where did you work?
 13 A I had worked at -- do you want the names
 14 or just what they are?
 15 I worked at a bank in Buffalo, and then I
 16 worked at a bank in Bloomington, Indiana -- excuse
 17 me -- Bloomington, Illinois which is where I then
 18 wound up going to grad school.
 19 Q Okay. And when did you start working for
 20 IBM?
 21 A September, I believe, 1994.
 22 Q What was your position at that time?
 23 A A CSR which is a call taker.
 24 Q So you were, essentially, a call center
 25 representative; is that correct?

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1 A Yes, yes, uh-huh.
 2 Q And how long were you a CSR?
 3 A For about a month and then I switched
 4 jobs to being a different kind of CSR of -- instead of
 5 receiving calls from the public, receiving calls
 6 from -- from customer engineers in the field to whom
 7 I'm assigning computer repair calls.
 8 Q Okay. What is a CSR?
 9 A I'm trying to remember the words,
 10 Customer Service Representative, I believe.
 11 Q Okay. How long were you in this CSR
 12 position?
 13 A From 1994 until 1996.
 14 Q And where were you employed?
 15 A At the Riveredge location.
 16 Q Describe the Riveredge location for me.
 17 Is it one building or two buildings?
 18 A It is two buildings that are connected
 19 with a bridge way.
 20 Q How many floors are each of the
 21 buildings?
 22 A Nine floors.
 23 Q Are all of the call center
 24 representatives referred to as CSRs?
 25 A I believe some --

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1 MR. RAY: Objection, vague.
 2 BY MR. LANGELAND:
 3 Q You can answer.
 4 A I'm sorry? What am I doing?
 5 BY MR. LANGELAND:
 6 Q You can answer the question.
 7 MR. RAY: You can answer when I object.
 8 THE WITNESS: Oh, I can answer.
 9 I believe sometimes they're called
 10 something else, but they're all, essentially, meaning
 11 the same thing.
 12 There are -- there is different
 13 terminology used.
 14 BY MR. LANGELAND:
 15 Q If you're talking calls, what are all the
 16 names given that person?
 17 A I -- I don't know or remember what all
 18 the names might be, but they're all, essentially,
 19 names like Customer Service Representative.
 20 Q Do you remember any others?
 21 A I really can't. I usually just call them
 22 agents.
 23 Q Agents.
 24 A Yes.
 25 Q So, for example, Charlie Seward would be

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Page 16

1 an agent.
 2 A Or a CSR, yeah.
 3 Q Agent or a CSR.
 4 A Yeah. Agent is not a general term. It's
 5 just a term that I use in my department.
 6 Q Okay. Within your department when you're
 7 referring to an agent, you're referring to a CSR.
 8 A Yes.
 9 Q And is that common in your department?
 10 A Yes.
 11 Q What is your department?
 12 A It's called WorkForce Management.
 13 Q So you were a CFR -- I'm sorry -- a CSR
 14 from 1994 to 1996?
 15 A Yes.
 16 Q Then what did you do?
 17 A We created the WFM department.
 18 Q And WFM is WorkForce Management?
 19 A I'm sorry, yes, uh-huh.
 20 Q And by "we created," who do you mean?
 21 A There was a manager and three other
 22 people who came together, and we formed the WorkForce
 23 Management group.
 24 Q In what month was that in 1996; do you
 25 know?

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1 A I don't remember.
 2 Q Who was the manager?
 3 A Sharon Lofton.
 4 Q And who are the three other people?
 5 A Charles Caldwell, Chris -- I'm forgetting
 6 his last name and -- and Laura -- I'm forgetting her
 7 last name.
 8 Q Let me back up.
 9 Is there any reason that you can't give a
 10 deposition today?
 11 A There's no reason I can't give a
 12 deposition today.
 13 Q Are you on any medication that affects
 14 your memory or anything like that?
 15 A No. Chris Cleckley.
 16 Q Cleckley? Can you spell the last name?
 17 A C-L-E-C-K-L-E-Y. And before we finish,
 18 I'll remember Laura's name, too.
 19 Q Okay, great.
 20 Why did you establish WorkForce
 21 Management?
 22 A It was started in order to centralize
 23 information in the call center.
 24 Q What information?
 25 A Call patterns, group performance and the

1 like.
 2 Q What are call patterns?
 3 A Volume -- call volume variations.
 4 Q Why would you want to study that?
 5 A In order to forecast how many people
 6 should be answering the phones and during what time.
 7 Q What about group performance?
 8 A I'm sorry?
 9 Q Explain group performance to me.
 10 A To measure -- to measure how well a group
 11 is performing for those particular types of calls.
 12 Q What do you mean by "for those particular
 13 types of calls"?
 14 A Each -- each type of call -- each group
 15 is established to receive different types of incoming
 16 calls.
 17 Q Can you give me an example?
 18 A Yes. There would be software calls,
 19 calls -- people asking about software, and there would
 20 be hardware calls, people coming in -- calling in
 21 asking about hardware.
 22 Q Are there any other types of calls?
 23 A Yes, several.
 24 Q Can you list them?
 25 A There would be -- yes. There would be

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1 call handle.
 2 Q What's that?
 3 A Call handle is what I described
 4 previously of having service calls to assign to
 5 customer engineers in the field.
 6 And then there would be also CET which is
 7 entitlement, determining if someone correctly can be
 8 assisted.
 9 Q What does the acronym stand for; do you
 10 know?
 11 A Customer Entitlement Team.
 12 Q What are the other types?
 13 A The same thing in different shifts.
 14 Q How many shifts are there?
 15 A Three shifts.
 16 Q The Atlanta facility is open 24 hours a
 17 day?
 18 A Yes.
 19 Q Seven days a week?
 20 MR. RAY: Objection -- sorry. Objection,
 21 foundation. You can answer.
 22 THE WITNESS: Yes, it's 24 hours.
 23 BY MR. LANGE LAND:
 24 Q How do you know that?
 25 A My department sends out schedules to the

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Page 20

1 different departments.

2 Q So you schedule people for 24 hours a
3 day?

4 A We either schedule them or we send sample
5 schedules from which the managers derive their own
6 schedules.

7 But in doing so, we're aware that
8 it's three -- that it's three shifts.

9 Q And 24 hours a day?

10 A Yes.

11 Q Seven days a week?

12 A Seven days a week, 24/7. Not all groups
13 are 24/7. Some group are 24/7.

14 Q Which groups are 24/7?

15 A There is a group called USG which is the
16 User Support Group.

17 Q Anybody else?

18 A Yes. The previously mentioned Call
19 Handle Group is 24 hours.

20 Q Okay. Who else?

21 A None others that I can recall.

22 Q You were listing different types of
23 groups, and I think we went through software calls,
24 hardware calls, call handle and CET.

25 Are there any other types of groups?

1 included that with the software.

2 Q I see. So when you're talking about
3 software calls, you're referring to...

4 A I'm referring to all -- all blended
5 software which includes everything from AIX platforms
6 to, you know, any kind of -- any kind of software
7 platform with the offshoot of this -- of the two
8 companies, of Lotus and Rational.

9 Q Okay.

10 A It's kind of a subgroup.

11 Q I see. What other types of software
12 would be in there, AIX?

13 A AS400, Mainframe. There may be others --
14 there may be others that I'm not familiar with.

15 Q What about servers?

16 Where would those be in your -- in the
17 categories you've given me?

18 A Well, that -- I guess that would --

19 that's a piece of hardware. So that would be, I
20 guess, a hardware receive call which we don't have at
21 Atlanta at Riveredge.

22 That has been -- that -- it was -- that
23 existed here some years ago but has been moved to a
24 different location.

25 Q Where was it moved?

Page 19

Page 21

1 A There's -- there's another kind of CET
2 called Software CET, whereas, the original CET that I
3 mentioned is often called Hardware CET.

4 Q And what does Software CET do?

5 A The same -- the same premise determining
6 whether a customer is entitled to receive service.

7 Q Okay. Any other groups?

8 A There is a group called PWCS which stands
9 for Partner World Contact Center.

10 Q Okay. Anybody else?

11 A I believe that's about it.

12 Q Is there something called Teach?

13 A No.

14 Q Was there something called Teach?

15 A Yeah. It's an old group.

16 Q So the ones that you've given me are the
17 ones that are in existence today; is that right?

18 A Yes.

19 Q And are those the only ones to your
20 memory that exist today?

21 A There is an offshoot. I don't know if
22 this is what you mean, but there is an offshoot to the
23 software receive call group called Rational, slash,
24 Lotus which is exactly the same thing except they deal
25 with those two particular products. You could have

1 A I'm not -- I'm not totally sure of where
2 all of it goes, but some of it went to the
3 Philippines.

4 Q Are you familiar with Gary Lambousis?
5 I'm sorry. Is it Gary Lambousis, Mr. Lambousis?

6 A I'm not familiar.

7 MR. RAY: I think it's George.

8 MR. Langeland: I think you're right.

9 BY MR. Langeland:

10 Q George --

11 A I'm Gary.

12 Q You're Gary. I'm sorry. I confused you
13 guys.

14 A No, I've never met him.

15 Q You don't know him?

16 A No.

17 Q So you don't know if he or his group
18 deals with software or hardware?

19 A I don't know the name.

20 Q The 9th floor on the Riveredge facility,
21 do you have any idea what they do?

22 A I don't. I'm only on the 5th floor.

23 Q Let me go backwards a little bit.

24 You started to look at centralizing
25 information for call centers in 1996, you testified,

Page 22

1 right?
 2 A That's right.
 3 Q Okay. And what was that called; do you
 4 know?
 5 A It was originally called the Control
 6 Desk. Today it's called WorkForce Management.
 7 Q And from 1996 on, did you work in this
 8 Control Desk or WorkForce Management?
 9 A Yes.
 10 Q And have you worked there the whole time
 11 from 1996 to today?
 12 A Yes, with the exception of a couple of
 13 years in-between. I worked in a different department.
 14 Q What years were those?
 15 A From, approximately, January 2003 until
 16 fall 2000 -- I'm gonna say 2004. I would have to look
 17 at a calendar.
 18 Q So from 1996 to 2003, you were in this
 19 Control Desk or WorkForce Management; is that right?
 20 A Until 2002, yes.
 21 Q Until 2002.
 22 A And then I came back after that.
 23 Q What were you doing in this 2003 to 2004
 24 time frame?
 25 A I worked in software sales at a different

Page 23

1 location.
 2 Q What location?
 3 A Smyrna, S-Y-R-M-A [sic].
 4 Q Were you taking calls there?
 5 A No. I was creating sales leads for
 6 selling software.
 7 Q This is a different job than you had at
 8 WorkForce Management?
 9 A Right.
 10 Q What were you doing, by the way, from
 11 1996 to 2002?
 12 Describe your duties.
 13 A From '94 to '96, I was, essentially, a
 14 CSR. I worked one month in hardware receive call
 15 which is no longer there.
 16 And then the rest of the time I was what
 17 is called -- I was in what we call call handle which,
 18 again, is assigning service calls to field personnel.
 19 Q And from '96 to 2002?
 20 A Control Desk which then became the --
 21 nothing changed except the name WorkForce Management.
 22 Q Right, and what were your duties?
 23 A Reporting and monitoring. That pretty
 24 much covers everything.
 25 Q By "monitoring," what do you mean?

Page 24

1 A We would monitor service levels
 2 throughout the day or day-by-day and then report them
 3 to management.
 4 Q To whom in management were you reporting
 5 these to?
 6 A We would put them in reports to -- that
 7 were received by all managers.
 8 Q So all managers of call center facilities
 9 would receive these?
 10 A All IMBPD first-line managers on the 5th
 11 floor of Riveredge.
 12 Q Just on the 5th floor of Riveredge?
 13 A Yeah. Actually, to be honest, in the
 14 early years, there were some other floors that we were
 15 on, but it's been consolidated all into the 5th floor.
 16 Q So in the earlier years, it went to other
 17 floors?
 18 A Yeah.
 19 Q Okay. And it just went to first-line
 20 managers?
 21 A And second-line managers.
 22 Q And did it go to team leads?
 23 A No.
 24 Q Just first-line and second-line managers.
 25 A Right.

Page 25

1 Q Do you remember who they were?
 2 MR. RAY: During what time?
 3 BY MR. LANGE LAND:
 4 Q During that 1996 to 2002?
 5 A I don't remember -- I can certainly give
 6 you some of the names, but I don't remember if they
 7 were actually in that specific time period.
 8 Q Okay. Give me the names you remember.
 9 A Sure. Kerry Bethea, Juanlyn Williams,
 10 Pete Starratt, S-T-A-R-R-A-T-T, Karen Troutman --
 11 spelled the way it sounds -- Lisa Moody, M-O-O-D-Y,
 12 Viki Torres, T-O-R-R-E-S. Viki is V-I-K-I, sorry, and
 13 others, and probably some others.
 14 Q Do you remember any of them?
 15 A Not right now.
 16 Q You mentioned that you would monitor
 17 service levels?
 18 A That's right.
 19 Q What are service levels?
 20 A A service level agreement is a goal set
 21 with the sponsor, with who the customer is, as to how
 22 many calls -- of the percentage of calls that would be
 23 answered within so many seconds.
 24 Q What's a sponsor?
 25 A The -- the person that the group is

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1 working for -- or the entity that the group is working
 2 for.
 3 Q Are these sponsors outside -- all outside
 4 of IBM?
 5 A No. Many are internal.
 6 Q So the sponsor can be IBM itself --
 7 A (Witness nodded head.)
 8 Q -- or it can be some outside customer.
 9 A Yes.
 10 Q And the service level is -- it's simply
 11 measuring how many percentage of calls would be
 12 answered within a certain number of seconds?
 13 A Yes.
 14 Q Is that all?
 15 A That's all -- yeah. An example would be
 16 80 percent of the calls answered within 20 seconds
 17 which we would call 80/20.
 18 Q Is that common?
 19 A Yes.
 20 Q Is that what you put in your agreements?
 21 A I don't. I -- no, I don't know about
 22 such things.
 23 Q Have you seen the agreements?
 24 A No.
 25 Q Okay. You referred to service level

Page 27

1 agreements.
 2 How did you know they exist?
 3 A That's what they -- that's what they --
 4 that's where we get the service level goal from.
 5 Q But you've never seen the service level
 6 agreements?
 7 A I've never seen one.
 8 Q Who tells you what the goal is?
 9 A The manager.
 10 Q So the manager gets the service level
 11 agreement and then just tells you what the goal is.
 12 MR. RAY: Objection to the extent it
 13 calls for speculation.
 14 THE WITNESS: Yeah, I don't really know.
 15 BY MR. LANGE LAND:
 16 Q What do you know about it?
 17 A I'm sorry?
 18 Q What do you know about it?
 19 A That it's an agreement as to how many --
 20 of what percentage of calls would be answered within
 21 so many seconds.
 22 That's what a service level is.
 23 Q That's all you know about it?
 24 A Yes.
 25 Q And the manager will tell you what the

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1 agreement is; is that correct?
 2 A Or the -- or a program manager that is
 3 hoping to establish the new group.
 4 Q What do you mean by a "new group"?
 5 A If we're -- you're asking who the sponsor
 6 is and what a service level is. This would be for a
 7 group.
 8 And I -- and in order -- and the only
 9 time I would be receiving information about a new
 10 service level coming in would be for a new group.
 11 Q And then at that point, you monitor how
 12 well the call center does; is that right?
 13 A Well, not the whole call center but the
 14 individual groups to which we are assigned to monitor.
 15 Q Give me an example.
 16 A Yeah, software received call.
 17 Q What kind of thing would you do for the
 18 software receive call?
 19 A We monitor -- we produce reports on what
 20 their service level was for a particular day, how many
 21 calls were received, how long the calls lasted, that
 22 type of information.
 23 Q What other information is contained in
 24 there?
 25 A For daily monitoring and reporting, those

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1 would be the major items.
 2 There's -- there's probably more
 3 information in those reports, but that's -- that would
 4 be the major information we would be looking at.
 5 Q I'm sorry. Give me, again, what the
 6 major information is.
 7 A Volume, average handle time, service
 8 level.
 9 Q What do you mean by "service level"?
 10 A How many -- what percentage of calls were
 11 answered within so many seconds.
 12 Q And you said those are the major ones for
 13 daily monitoring; is that right?
 14 A Yeah.
 15 Q But there are others?
 16 A Yeah, there's others. Those reports do
 17 give further information.
 18 Q Do those daily monitorings include any
 19 information about when the CSR logs in?
 20 A Not on the reports that I'm referring to.
 21 Q What reports have that?
 22 MR. RAY: Objection just to the extent
 23 it's vague. What do you mean by "log-in"?
 24 BY MR. LANGE LAND:
 25 Q Describe what you mean by log-in?

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1 A I -- I don't do any reports specifically
 2 for log-in. The reports that I was referring to were
 3 mainly on those main items that I mentioned before.
 4 Q But you did say that there are some
 5 reports that have log-in times.
 6 A Yes.
 7 Q What reports are those?
 8 A There is a log-in/log-out report.
 9 Q What did that have on it?
 10 A I'm not that familiar with it because I
 11 don't use it myself but log-in time and log-out time.
 12 Q For each CSR?
 13 A Yes.
 14 Q And why would that be of interest?
 15 MR. RAY: Objection, foundation.
 16 Objection to the extent it calls for
 17 speculation.
 18 BY MR. LANGELAND:
 19 Q You can answer.
 20 THE WITNESS: Does that mean I can
 21 answer?
 22 MR. RAY: Yes, you can answer.
 23 THE WITNESS: Okay. It establishes
 24 attendance.
 25 By log-in, I mean logging into the

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1 telephone.
 2 BY MR. LANGELAND:
 3 Q These log-in and log-out reports, how
 4 long have they been around?
 5 A As -- certainly as long as I have been
 6 there.
 7 Q And are they electronic reports?
 8 A Yes.
 9 Q Does IBM save them?
 10 MR. RAY: Objection, foundation, lack of
 11 foundation.
 12 THE WITNESS: Actually, I'm -- I'm not
 13 sure how far back they would go. I don't know
 14 how long they're kept.
 15 BY MR. LANGELAND:
 16 Q Is there something called Iron Mountain?
 17 A Iron Mountain?
 18 Q Yes.
 19 A I think there's an Iron Mountain,
 20 Georgia? No, I'm sorry. Stone Mountain, Georgia.
 21 Iron Mountain?
 22 Q Is there any backup facility that IBM
 23 uses?
 24 MR. RAY: I'll just object to the lack of
 25 foundation to the extent --

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1 THE WITNESS: I'm not familiar with Iron
 2 Mountain.
 3 BY MR. LANGELAND:
 4 Q You don't know?
 5 A I don't know.
 6 Q Okay.
 7 A I thought you were referring to something
 8 in Atlanta.
 9 Q Okay. Why did you leave the Control Desk
 10 or WorkForce Management in 2002?
 11 A I was part of a resource action to reduce
 12 personnel.
 13 Q Does that mean you were laid off?
 14 A They don't use that term. They use
 15 "resource action."
 16 Q When you stopped working for WorkForce
 17 Management in 2002, were you unemployed at that time?
 18 A I was unemployed for six months before
 19 picking up at -- at Smyrna.
 20 Q What did you do during that six-month
 21 time?
 22 A Job hunt.
 23 Q And did you look outside of IBM?
 24 A Yes.
 25 Q By the way, what were your hours when you

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1 were working in WorkForce Management from 1996 to
 2 2002?
 3 A 8-hour day, 8 hour, 40-hour week.
 4 Q Were you salaried or --
 5 A Yes, or "exempt" is the term.
 6 Q You were exempt?
 7 A Yeah.
 8 Q Okay.
 9 MR. RAY: In case you didn't know the
 10 term.
 11 MR. LANGELAND: Okay.
 12 MR. RAY: I'm kidding. He does a lot of
 13 this stuff.
 14 BY MR. LANGELAND:
 15 Q How did you make it back to WorkForce
 16 Management in 2004?
 17 A My previous boss called me and asked if I
 18 would like to come back and join them.
 19 Q And were you still employed in the other
 20 IBM position?
 21 A No. I had been working for a year in
 22 sales at the Smyrna location.
 23 Q Right, but that was an IBM job, right?
 24 A Oh, yeah.
 25 Q Okay.

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1 A Yeah. I was unemployed for six months,
 2 but all the jobs were IBM.
 3 Q All right. So then you got a call from
 4 your previous manager and who was that?
 5 A Melody Curtis.
 6 Q Melody Curtis. And she was the previous
 7 manager at WorkForce Management?
 8 A One of them. There were several.
 9 Q What was Melody's position?
 10 A She held different positions, one of
 11 which was manager of WorkForce Management.
 12 Q Was she the head of WorkForce Management?
 13 A Yes.
 14 Q Who were the other managers?
 15 A There was Sharon Lofton. These are my
 16 bosses, and I'm sorry. I'm just nervous, and I can't
 17 say their names.
 18 There was Bruce Campbell, Jeff Granger,
 19 not necessarily in that order, by the way.
 20 Q Right. Is that it?
 21 A And now Al Mitchell.
 22 Q But he wasn't there at that time?
 23 A That's right.
 24 Q And is Melody Curtis still the head of
 25 WorkForce Management?

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1 A No. She is a third-line manager now.
 2 Q So she got promoted?
 3 A It's a position that she had in some ways
 4 already held before. I'm not sure what the
 5 relationship was.
 6 Q Okay. When in 2004 did you come back to
 7 WorkForce Management?
 8 A It was the fall.
 9 Q How did your duties change when you came
 10 back?
 11 A It was my old job.
 12 Q You came back to your old job.
 13 A Yeah.
 14 Q The same duties.
 15 A The same duties with -- with a new
 16 emphasis on head count sizings.
 17 Q I'm sorry. Explain that to me.
 18 A A new emphasis on head count sizings
 19 meaning -- meaning analyzing how much head count
 20 should be assigned to a group.
 21 Q To a call center group?
 22 A Or external.
 23 Q What does that mean?
 24 A If there was new -- if there was new
 25 business coming in, they would want a head count, and

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1 once a year we would analyze our current in-house
 2 groups to see if we were -- if we have the correct
 3 head count.
 4 Q What kind of analysis did you do to come
 5 up with that?
 6 A It's called a head count analysis.
 7 Q What does it consist of?
 8 A Analyzing call volume patterns with
 9 average handle time and daily -- days and hours of
 10 open business, and what the service level goal would
 11 be and -- and determining a head count from that.
 12 Q Why was there this new emphasis on head
 13 count sizing as of the fall of 2004?
 14 A At the time I was being brought back,
 15 there were -- there was an increase in requests for
 16 such information, and so they wanted me back.
 17 Q Why was there an increase in requests?
 18 A I don't know why.
 19 Q Who wanted the information?
 20 A Either internal groups or program
 21 managers with requests for new business coming in.
 22 Q Which internal groups?
 23 A All of the ones -- all of the
 24 aforementioned manager groups that we've discussed.
 25 Q Why would they be interested in this head

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1 count sizing?
 2 A For the -- for new business, that's
 3 obvious. And for existing business, it's something we
 4 would do every single year.
 5 Q Why?
 6 A To verify that we have the correct head
 7 count to meet service levels.
 8 Q So if you found that service levels were
 9 too high, what would you do?
 10 A That would be part of an analysis. We
 11 would look at all of the aforementioned items that I
 12 just listed and put them all together and come up with
 13 an analysis for a correct head count.
 14 Q Okay. But for what purpose?
 15 A In order to meet -- yes, in order to meet
 16 service levels.
 17 Q So what you're actually saying is if
 18 these numbers didn't fit, you would either reduce the
 19 group size or increase group size; am I right?
 20 A Yes. We would -- we would offer the head
 21 count needed to meet the current service level
 22 situation.
 23 Q And by head count, you mean the number of
 24 CSRs, right?
 25 A Yes.

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1 Q So if your head count was too high, you
2 would take some of those heads out of there; am I
3 right?
4 A Not necessarily.
5 Q What would you do with them?
6 A They could be put on other duties, but
7 that's not -- honestly, that's not for me to say.
8 That would be a manager thing.
9 Q Okay. But you were doing the --
10 A My -- my job is to tell them how many
11 people should be on the phones.
12 Q Right.
13 A What else they do is up to the managers.
14 Q Okay. So you would tell them, okay, this
15 group should actually have 10 people, not 25.
16 A Hypothetically, yes.
17 Q Did you continue doing the same type of
18 monitoring that you had done from the previous time
19 frame?
20 A No. Under the -- when I came back, I did
21 less -- that's considered daily work. And I did less
22 daily work at that time because of the new work that I
23 was doing.
24 Q Okay. And what did the new work focus
25 on?

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1 A Head counts.
2 Q Okay. And was that considered a monthly,
3 yearly?
4 A It would be -- requests would come in
5 throughout the year and especially each summer for the
6 annual review of all the groups.
7 Q That was done in the summer?
8 A It could -- it actually would be started
9 in the spring.
10 It had the unfortunate name of fall
11 planning for the next year, but we actually started it
12 earlier in the name -- earlier in the year.
13 Q By the way, there was daily monitoring
14 you testified about, right?
15 A That's right.
16 Q Is there weekly monitoring?
17 A By monitoring -- by monitoring, we're
18 talking a live action where we're looking at -- at
19 live screens of service levels.
20 And if a service level would go below the
21 goal, we would just make sure that the manager knew
22 about it.
23 Q So that happens live.
24 A Yeah.
25 Q Okay. Are their reports that are done on

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1 a weekly basis?
2 A Sure.
3 Q What are they?
4 A There is a daily operating report that I
5 do, and there are other reports that I don't do that
6 are put out by my coworkers.
7 Q What are all the reports?
8 A There's -- I'm not sure I can respond to
9 all the reports, but there are -- there is an
10 adherence report.
11 Q What's the adherence report?
12 A Yeah. I'm sorry?
13 Q What is it?
14 A That's a comparison of the schedule to
15 what the agents actually did and to see how close to
16 the schedule they came.
17 Q So that would include, for example, if
18 you started at 10:00 a.m. and you left at 7:00, how
19 closely they adhered to that schedule?
20 A And when they left for lunch, was it
21 according to schedule, and the breaks that they took
22 and any meetings that were scheduled, anything on
23 their schedule.
24 Q How long have those reports been made?
25 A Since we started the department.

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1 Q Do you know how far back they are saved?
2 A I don't know.
3 Q How would you get at one of these reports
4 if you wanted to see it?
5 A They're located -- they're located
6 online.
7 Q Where?
8 A In a -- in a database.
9 Q What's the database?
10 A It's called -- it's something that I use
11 all the time. It's an internal database, and I'll
12 give you the name momentarily.
13 Q Okay.
14 A ToolSuite.
15 Q ToolSuite?
16 A Yes.
17 Q And is every CSR on this adherence
18 report?
19 A No.
20 MR. RAY: Objection, foundation. Go
21 ahead.
22 THE WITNESS: No. Only certain groups
23 get adherence reports.
24 BY MR. LANGE LAND:
25 Q What groups?

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1 A For that I would have to refer you to my
2 coworker.
3 Q Which one?
4 A Tonya McKay.
5 Q Do you have a sense of any groups that
6 are --
7 A I would rather not guess.
8 Q Yeah, but what's your memory?
9 A I believe -- I believe that software
10 receive call or it's a company called Software Blend
11 received one, but I wouldn't want to guess further.
12 Q Does hardware call get one?
13 A We don't have hardware anymore.
14 Q Does call handle get one?
15 A No.
16 Q CET?
17 A I don't believe so.
18 You know, I would rather you request that
19 information from my coworkers.
20 Q I know you would rather that I do that,
21 but you're sitting here with me today, so I'm going to
22 ask you the question.
23 A You can ask.
24 Q So you don't know about CET?
25 A I don't believe so, no.

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1 Q How about Software CET?
2 MR. RAY: I'll just object on a lack of
3 foundation and to the extent it calls for
4 speculation, but you can answer.
5 THE WITNESS: Yeah, you know, I'm
6 guessing. I don't know.
7 BY MR. LANGE LAND:
8 Q PWCS?
9 MR. RAY: The same objection.
10 THE WITNESS: I don't know.
11 BY MR. LANGE LAND:
12 Q Do adherence reports have the log-in time
13 of the CSR?
14 A Yes.
15 Q And that's the telephone log-in time.
16 A Yes.
17 Q Okay. We were talking about reports, and
18 you were mentioning that, you know, there's the daily
19 operating report and the adherence report.
20 What other kinds of reports are there?
21 A I think really that's about it. The only
22 other reports being sent out are the actual schedules
23 which isn't really a report.
24 Q Back up a little bit.
25 How many people are in WorkForce

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1 Management currently?
2 A Three, two in Atlanta.
3 Q Okay. So it's you and Tonya McKay?
4 A Yes.
5 Q And then who else?
6 A There is a -- we have a coworker in
7 Dallas.
8 Q Who is that?
9 A Phyllis -- she's brand new -- Farrell,
10 F-A-R-R-E-L-L.
11 Q And was there somebody else in that
12 position before she came in?
13 A Yes.
14 Q Who was that?
15 A Ileana, I-L-E-A-N-A, I think, Ileana
16 Rangel, R-A-N-G-E-L.
17 Q And when did she leave?
18 A Probably about a year ago.
19 Q And do you know where she went?
20 A She still works for IBM.
21 Q What does she do now?
22 A I believe it's WorkForce Management for a
23 different group.
24 Q Which group?
25 A I'm not sure.

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1 Q When you say "a different group," what do
2 you mean by that? You guys --
3 A Meaning -- meaning she's not doing the
4 IMBPD Control Desk stuff.
5 Q So for IMBPD, the only people in
6 WorkForce Management are the three people you
7 testified right now.
8 A Yeah.
9 Q But there are --
10 A They're really the only two in Atlanta.
11 Q Two in Atlanta, right.
12 And there are other groups that have
13 WorkForce Management people; is that correct?
14 MR. RAY: Objection to the extent it
15 calls for speculation.
16 THE WITNESS: Across the country?
17 BY MR. LANGE LAND:
18 Q Yes.
19 A I don't know. I'm sure -- it sounds
20 likely. I'm sure there are, but I don't know.
21 Q Who is in charge of all of WorkForce
22 Management?
23 A Al Mitchell.
24 Q Al Mitchell?
25 A For IMBPD, Al Mitchell.

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1 Q Okay. And for all of WorkForce
 2 Management?
 3 A That's -- that's the extent of WorkForce
 4 Management that I know.
 5 Q Who is Al Mitchell's boss?
 6 A Brian Babin, B-A-B-I-N.
 7 Q Where is he?
 8 A He's out of Atlanta also.
 9 Q What's his title?
 10 A Process Delivery Executive.
 11 Q What does that mean?
 12 A I'm sorry. I'm not sure what that means.
 13 There are a lot of different titles.
 14 Q Okay. Describe the daily operating
 15 report for me.
 16 A It's a -- it's a look at volumes and
 17 average handle time and the work -- essentially, the
 18 work produced which are the calls taken and compares
 19 it to the people that -- that worked -- that worked
 20 the hours.
 21 It's essentially -- I can summarize it as
 22 saying it's a look at how busy the group was for the
 23 day or for the week.
 24 Q Okay. And you produce the report; is
 25 that right?

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1 A Yes.
 2 Q And are you the only one who produces
 3 that report for IMBPD?
 4 A Well, yes. Actually, I have -- there's a
 5 contractor -- there's someone who works along side me
 6 who actually runs the reports.
 7 Q Who is that?
 8 A His name is Derrick, D-E-R-R-I-C-K,
 9 Dunston, spelled the way it sounds. He's a
 10 contractor.
 11 Q Who does he work for?
 12 A Al Mitchell.
 13 Q But he's an independent contractor?
 14 Is that what you're saying?
 15 A We have lots of employees that are
 16 contractors through Manpower, and he's one of them.
 17 Q So he's --
 18 A They're not -- they're not IBM employees.
 19 Q Okay.
 20 A So this is -- this is a manual report and
 21 done on spreadsheets, and he's the one who physically
 22 runs those reports or creates those spreadsheets each
 23 week.
 24 Q Does each group in the call center get
 25 one of these reports?

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1 A Most, most do.
 2 Q Can you list all of them that do?
 3 A Not off the top of my head but the same
 4 groups that -- the same aforementioned groups that we
 5 were talking about before get -- get daily operating
 6 reports.
 7 Q Does the software group get the daily
 8 operating report?
 9 A Yes.
 10 Q And does the hardware group get --
 11 A There's no hardware anymore.
 12 Q Does call handle get a daily operating
 13 report?
 14 A Yes.
 15 Q Does CET get a daily operating report?
 16 A Yes.
 17 Q Does Software CET get a daily operating
 18 report?
 19 A Yes.
 20 Q Does PWCS get an operating report?
 21 A Yes.
 22 Q Who gets the operating report?
 23 A It's -- it's posted in a database. We
 24 don't actually send it out to anyone.
 25 Q Where is it posted?

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1 A In -- in a database -- in a Lotus Notes'
 2 database.
 3 Q What's the database called?
 4 A It's called the Industry Standard DOR.
 5 That might be the whole name right there.
 6 Q What's Industry Standard DOR mean?
 7 A When -- when the daily operating report
 8 was created, it was with an effort to use industry
 9 standard parts, items.
 10 Q What do you mean by that?
 11 A Using -- using the right formulas,
 12 collecting the same information that are the industry
 13 standards.
 14 In other words, so that DOR reports would
 15 look similar.
 16 Q Okay.
 17 A Standardized.
 18 Q And by "industry standard," you mean for
 19 all call centers.
 20 MR. RAY: Objection, foundation and
 21 vague.
 22 THE WITNESS: I don't know because I
 23 wasn't part of -- I wasn't part of that.
 24 BY MR. LANGELAND:
 25 Q But you were there at the beginning,

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1 weren't you?

2 A I was -- I came in about -- I came in

3 about a year after the first request for a DOR came

4 in.

5 Q So what do you mean by "industry

6 standard"?

7 A The -- the creator of the DOR went to

8 different industry groups that are known for reporting

9 to request and -- and pulled from those groups --

10 pulled together what a standard DOR would have in it.

11 Q By "groups," you mean call center groups?

12 A No. Professional -- professional groups.

13 Q What kind of professional groups?

14 A I don't remember the -- any particular

15 name because that was all before I got there, but they

16 were professional groups who deal with reporting.

17 Q Reporting what?

18 A Operating reports.

19 Q Operating reports about what?

20 A Daily operating reports of -- of manager

21 groups.

22 Q Of what kind of manager groups?

23 A I'm sorry. I don't understand the

24 question.

25 Q You're talking about creating an industry

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1 standard type of a report, and I'm trying to get at

2 what industry is it that this report applies to.

3 A Oh, Inbound Call Center Association

4 is -- is almost the exact name of one of the groups.

5 Q So what we're actually looking at in the

6 DOR is a report for call centers; am I right?

7 MR. RAY: Objection, vague, foundation.

8 I don't know what you mean by "call centers."

9 THE WITNESS: It's a report for different

10 manager groups that's in the IMBPD, you know,

11 in Atlanta Riveredge.

12 BY MR. LANGE LAND:

13 Q For what purpose?

14 A To measure how busy the group was or the

15 agents were.

16 Q And by group or agents, you're referring

17 to people that take calls; am I right?

18 A Yes, yes, CSRs.

19 Q So this standardized report is meant to

20 standardize information about people who take calls;

21 am I right?

22 A Yes.

23 MR. RAY: Objection, misstates the

24 testimony.

25

1 BY MR. LANGE LAND:

2 Q So what is the industry standard report

3 actually looking at?

4 A Volumes in every channel time, output and

5 hours -- hours that were scheduled and what AUX

6 codes -- which we can explain later -- what AUX codes

7 agents are in.

8 And it comes up with how -- how busy or

9 how occupied the group was for that day.

10 Q And by "the group," you mean the call

11 center?

12 A The CSRs in the individual IMBPD Atlanta

13 call center.

14 Q And it's meant to standardize the

15 information that you look at.

16 A Yes.

17 Q Who is the creator of the DOR?

18 A One moment, Tom Guinard, G-U-I-N-A-R-D.

19 Q Does Tom work for IBM?

20 A He's in IBM out of Toronto.

21 Q What's his position?

22 A I -- he was temporarily called the team

23 lead for this DOR project.

24 I took -- I took my direction for the

25 DORs directly from him.

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1 Q And he told you what you need to look at?

2 A He actually provided me with the DOR.

3 Q Okay.

4 A Yeah.

5 Q And has that DOR changed since the time

6 that he created it?

7 A There was one -- there was one change

8 that was made which is no longer in effect.

9 Q What was the change?

10 A We had added a second page to the DOR

11 report which gave it a different view of the same

12 information, but it was discontinued.

13 Q So now the DOR is the same as it

14 originally was.

15 A Yeah.

16 Q Okay. Who looks at the DOR?

17 A The DORs are posted, and the people that

18 have access to it are first-line managers and above.

19 Q Do they look at this for the purpose of

20 telling the staff that they're not -- or their CSRs,

21 that they're not working hard enough or something like

22 that?

23 A The report -- it reports how -- how busy

24 throughout the day the agents are so that the -- so

25 that the management can determine -- actually, let me

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1 just say that it -- it reports on how busy the agents
 2 are.
 3 Q And what decisions does management make
 4 based on the DOR?
 5 A The -- the occupancy rate which is the
 6 measurement of the DOR is an internal measurement that
 7 shows how well we're reaching the service level.
 8 The service level is the external
 9 agreement with the -- with the owner of the -- with
 10 the customer.
 11 That's the service level which is the
 12 external agreement, and -- and the DOR shows how
 13 efficient the group is at reaching that service level.
 14 It's strictly an internal measurement.
 15 The service level is the external measurement.
 16 Q What happens if they're too efficient at
 17 reaching the service level?
 18 A That would be an indication that there
 19 would be too much head count there in a long-term
 20 situation.
 21 Q So it means you should reduce the number
 22 of CSRs in that group?
 23 A Actually, what it would signify is that a
 24 new head count analysis should be started from
 25 scratch.

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1 You wouldn't use that as a measurement to
 2 say you must reduce head count by any amount. It's an
 3 indication that something must be looked at.
 4 Q And what if it showed that they were not
 5 efficient enough?
 6 What would occur?
 7 A You know, we're using the word
 8 "efficient," and I'm not sure that that applies.
 9 It's how busy -- it's how busy they are,
 10 and it's common sense. If they're too busy, then you
 11 would want to analyze whether or not you need to
 12 increase head count.
 13 And if they're -- if they're not busy
 14 enough, you would want to do the same analyzation to
 15 determine if head count should be reduced.
 16 Q Are all of the CSRs -- do they show up on
 17 the DOR?
 18 A No CSR -- it's a group measurement.
 19 There's no individual.
 20 Q No individuals show up there.
 21 A Right.
 22 Q But they do show up on the adherence
 23 report.
 24 A Yes.
 25 Q Who gets the adherence report?

1 A The group manager.
 2 Q Is that the first-line manager?
 3 A Yes.
 4 Q Okay. What about the second-line
 5 managers?
 6 A I don't know if they are receiving any or
 7 not.
 8 Q Okay.
 9 A They could certainly request it if they
 10 wanted.
 11 Q They can access it if they need to?
 12 A Well, they can request that we produce
 13 it, yeah.
 14 Q Is it something that's sent out by your
 15 group?
 16 A Yeah. We have to produce it ourself from
 17 our software.
 18 Q You have software that specifically
 19 produces the adherence report?
 20 A Yes.
 21 Q What's it called?
 22 A It's called Totalview, all one word.
 23 Q What's in Totalview?
 24 A Totalview is the software we use to
 25 publish schedules and to keep track of what happens in

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1 the daily schedule, absences, meetings, that type of
 2 thing.
 3 Q So when you're keeping track of that
 4 schedule, do you actually keep track of the time that
 5 somebody arrives at the call center?
 6 A Yeah. That would be on the adherence
 7 report.
 8 Q And how --
 9 A Their -- their log-in -- their log-in on
 10 the telephone.
 11 Q So when a call -- when a CSR arrives at
 12 the call center, they immediately log into the
 13 telephone; is that right?
 14 MR. RAY: Objection --
 15 THE WITNESS: I don't know.
 16 MR. RAY: -- to the extent it calls for
 17 speculation.
 18 THE WITNESS: Yeah, I don't know. You
 19 would have to check the manager on that.
 20 BY MR. LANGE LAND:
 21 Q But you just testified that the adherence
 22 report does show the time that they arrive?
 23 A It doesn't show the time that they
 24 arrive. It shows the time that they've logged into
 25 the telephone.

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1 Q So they may have arrived before that
2 time; am I right?
3 A Who knows.
4 Q You don't know?
5 A I don't know. They may have arrived
6 before they logged in, yes.
7 Q Now, you were a CSR at one point.
8 At that -- when you were a CSR, did you
9 have to log-in?
10 A Sure.
11 Q Okay. And did you arrive before you
12 logged in?
13 A Did I arrive before I logged in. Do you
14 mean like arriving early?
15 Q Yes.
16 A I would often, yes.
17 Q And what did you do when you arrived?
18 A I would normally read the newspaper.
19 Q Okay. So when was your start time at
20 that time; do you remember?
21 A I don't remember, actually.
22 Q All right. But you would arrive early.
23 A But I would arrive early.
24 Q And what actions would you do?
25 You would just arrive early and read the

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1 paper?
2 A I would read the newspaper until it was
3 time to start work.
4 Q And then you were ready to take calls
5 right at your start time.
6 A I would log into the telephone and turn
7 on the computer and start working.
8 Q Right at the start time.
9 A Yeah.
10 Q You didn't do it beforehand?
11 A No. I was reading the newspaper most of
12 the time.
13 Q Let me back up a little bit.
14 How many call centers are there; do you
15 know?
16 A Do you know, I really don't know.
17 Q How many IMBPD call centers are there?
18 A I'm not sure how they're defined. I know
19 that -- I know that Atlanta and Dallas is included in
20 the IMBPD.
21 I'm not sure what -- under what
22 organization other call centers are in. I'm just not
23 sure.
24 Q Okay. Do you have any idea what
25 different types of call centers there might be instead

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1 of just IMBPD?
2 A No, I don't know.
3 Q You just know about IMBPD call centers?
4 A Yeah. I really just know what's in
5 Atlanta, yeah.
6 Q The person who works in Dallas, is that
7 person a junior to you?
8 A No, a coworker.
9 Q Coworker. Equal?
10 A Yes. Brand new, but equal.
11 Q What is your title?
12 A It has changed many times, WorkForce
13 Management Analyst.
14 Q Is there a person who's in charge of all
15 of the IMBPD call centers?
16 A Yes. I'm not sure who it is.
17 Q You don't know who it is?
18 A I -- it is either a person named Wooton,
19 W-O-O-T-O-N, or her boss.
20 Q Who is her boss?
21 A I say the name all the time which I'll
22 give to you shortly.
23 Q All right.
24 A I've got the picture. I just can't think
25 of her name.

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1 Q Is it Melody Curtis?
2 A No. Melody reports to Deborah Wooton who
3 reports to another person.
4 Q Where is Deborah Wooton located?
5 A In Dallas.
6 Q Dallas?
7 A Yeah.
8 Q And Melody Curtis reports to her?
9 A Yeah.
10 Q Who reports to Melody Curtis?
11 A The second lines in Atlanta and Dallas.
12 Q In both Atlanta and Dallas?
13 A Yeah.
14 Q And who are the second lines?
15 A Jeff Granger, Sharon Lofton, Rick Mainini
16 and I'll spell that. It's M-A-I-N-I-N-I. I'm a
17 little nervous, and a third one. I'll get you that
18 name.
19 Q Okay. I'm going to have to remember
20 these names that you're going to give me. There's a
21 few of them now.
22 A These are names that I use every -- every
23 day, and I just can't say it right now.
24 Q I'm sure. All right.
25 Who's Vicki Reidy?

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1 A How would you spell that?
 2 Q R-E-I-D-Y.
 3 A I'm not familiar with the name.
 4 Q You're not, okay.
 5 How about Roy Ovison (phonetic)?
 6 A No.
 7 Q Now, you testified you're on the 5th
 8 floor; is that right?
 9 A Yeah.
 10 Q And who is the -- who are the first-line
 11 managers on the 5th floor?
 12 A The same -- the same managers that we
 13 mentioned above when I went through that list of
 14 names.
 15 Q Can you remind me?
 16 A Sure, Juanlyn Williams, Viki Torres, Pete
 17 Starratt.
 18 Q Karen Troutman?
 19 A Karen Troutman.
 20 Q Lisa Moody?
 21 A Lisa Moody. There's another one,
 22 Sarah Cerny, C-E-R-N-Y --
 23 Q Okay.
 24 A -- that I should have mentioned before.
 25 Q Who are the second-line managers?

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1 A Sharon Lofton.
 2 MR. RAY: On the 5th floor?
 3 MR. LANGE LAND: Right.
 4 THE WITNESS: Yeah, Sharon Lofton and
 5 Jeff Granger in Atlanta.
 6 BY MR. LANGE LAND:
 7 Q Do you know who they are in Dallas?
 8 A Debbie Bigley is the second line in
 9 Dallas along with Rick Mainini.
 10 Q Okay. How many CSRs are there on the 5th
 11 floor?
 12 A About 250.
 13 Q What groups do they work in?
 14 A All -- all of the aforementioned.
 15 Q Is that all of the CSRs that are in the
 16 Atlanta facility?
 17 A Uh-huh.
 18 Q There are no other CSRs?
 19 A Yeah. Everyone reports to those
 20 managers.
 21 Q I don't think that was my question.
 22 A What was the question?
 23 Q Is that all of the CSRs in the entire
 24 Atlanta facility?
 25 A For IMBPD, I believe so, yes.

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1 Q Okay. So IMBPD has 250 CSRs total?
 2 A Yeah.
 3 Q And they're all on the 5th floor?
 4 A They're all on the 5th floor.
 5 Q What are on the other floors?
 6 A Other companies.
 7 Q They're not IBM?
 8 A I believe that there's some IBM elsewhere
 9 in the building, but I'm only familiar with the 5th
 10 floor.
 11 Q So this facility has a lot of other
 12 companies in it?
 13 I mean, it's like --
 14 A There are other non-IBM companies on
 15 different places of the building.
 16 Q It's not an entire IBM facility then.
 17 A Right.
 18 Q Are they related to IBM or completely
 19 separate?
 20 A I don't know. I don't believe so.
 21 Q Okay. So if you went up to the 7th
 22 floor, you might find a law firm, an accountant, a
 23 barber shop?
 24 A Or something else, yeah.
 25 Q And you don't know.

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1 A Some non-IBM thing.
 2 Q I see.
 3 Your reports are only for IMBPD?
 4 A Right.
 5 Q And do you know if there's any kind of
 6 similar function for other types of IBM call centers?
 7 A I'm not familiar. I don't know.
 8 Q How many CSRs are in Dallas?
 9 A About -- a little under 200. I'll say
 10 200. I think the total is 188, something like that,
 11 but I'll say 200.
 12 Q All right. What about Indiana?
 13 Do you know anything about call centers
 14 in Indiana?
 15 A I'm aware that there is a call center in
 16 Indiana, but I don't know much about it or how many
 17 people are in it.
 18 Q Is it an IMBPD?
 19 A I've actually have not been told that.
 20 I -- I talk to them. I actually have not been told if
 21 they are, and the question just never was asked.
 22 Q Do you provide them with the DOR?
 23 A No.
 24 Q Do they have access to the DOR?
 25 A No.

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1 Q How about adherence reports?
 2 A They have access to their -- to the
 3 software if they want to produce their own, but I
 4 would have -- but I wouldn't be involved.
 5 Q What's the "fish bowl"?
 6 A That is a nickname for the office that I
 7 work in --
 8 Q Okay.
 9 A -- because it's enclosed in glass.
 10 Q All right. How many other people are in
 11 that office.
 12 A Tonya McKay and Derrick Dunston.
 13 Q And you can see all the CSRs from your
 14 office?
 15 A No. It's -- it's located on the bridge
 16 between the two buildings, and there are only four
 17 cubicles that we can see from where we are, and those
 18 are currently empty.
 19 You mean from seeing from within the
 20 room?
 21 Q Yes.
 22 A Yeah.
 23 Q Do you ever go down and walk the floor of
 24 the call center facility?
 25 A Only to -- not -- not in terms of looking

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1 at the agents. That would be the managers job. Only
 2 in the sense of going to other parts of the building,
 3 going to the lunch room or leaving for the exits or
 4 going to the bathroom, that type of thing.
 5 Q Now, you guys set the schedule for the
 6 IMBPD CSRs; is that right?
 7 A Not all of them. We -- what we do is we
 8 do -- we do offer suggested schedules which the
 9 manager then molds to their liking, and then we push
 10 out the schedules each week.
 11 Q And this is based on your analysis of
 12 the --
 13 A Yes.
 14 Q Okay.
 15 A Well, it's based on software looking at
 16 the history of the volumes, and then it does a -- it
 17 does a forecast and predicts that you should have
 18 lunches at this hour and, you know, that type of
 19 thing.
 20 Q And that's done once a week?
 21 A Yes.
 22 Q And is it sent to each one of the groups
 23 that we talked about?
 24 A It's sent to -- not all of them. It's
 25 sent on a daily basis to only a couple, and the others

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1 do not get a daily schedule.
 2 They just -- they set the suggested
 3 schedule that they have then molded to their own
 4 liking, and they use that schedule over and over.
 5 So we don't print out a new schedule for
 6 them each week. So some -- some get a new -- some get
 7 a schedule every week from us and some use a -- a
 8 pre-prepared schedule.
 9 Q And which ones get the new schedule every
 10 week?
 11 A I don't want to be specific. I would ask
 12 you to check with my partner who does that because I
 13 don't get involved in that.
 14 Q What's your best memory?
 15 A I believe software gets a daily schedule
 16 and software -- excuse me -- Lotus Rational. I
 17 believe they get one, and I would leave it at that
 18 right now.
 19 Q Why do they need a new schedule as often
 20 as they do?
 21 A Well, that's actually the normal way to
 22 do it, to -- to analyze the history and to -- to use
 23 the history to predict when the best schedules are.
 24 So it's less a matter of needing a new
 25 schedule, and it's more a matter of the manager

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1 wishing to maintain tied-down schedules for the
 2 individual agents.
 3 If they're -- if they want them to have
 4 the same start time and the same lunch and work the
 5 same days, then -- then we don't issue them a new
 6 schedule each time because they already know what it
 7 is.
 8 But if -- but if the manager is amenable
 9 to having flexible lunches and breaks to best time the
 10 schedules to the incoming volumes, then we do.
 11 So it depends on how the customer -- how
 12 the manager -- how flexible the manager is on the
 13 schedules.
 14 Q Which managers are flexible?
 15 A The -- the Software Blend manager.
 16 Q What's his or her name?
 17 A Juanlyn Williams, and she's also the
 18 manager for Software Lotus.
 19 Q Anybody else who's flexible?
 20 A It's -- because it's not my area, I don't
 21 want to guess which reports are going out to where.
 22 Q Well, who is a ridged manager who wants
 23 the same schedule?
 24 A There is a -- CET gets -- uses the same
 25 schedule over and over.

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1 Q Who is that manager?
 2 A That's Pete Starratt.
 3 Q Anybody else?
 4 A His -- his other -- the other CET manager
 5 is Viki Torres --
 6 Q Okay.
 7 A -- so...
 8 Q Anybody else?
 9 A I'm sure, but I'm not the person that
 10 deals with that.
 11 Q Do you get cc'd on the schedules?
 12 A No.
 13 Q Do you ever look at them?
 14 A Not very often, no. I don't really have
 15 a reason to.
 16 Q What about Kerry Bethea, ridged or
 17 flexible?
 18 A Actually, he's not a -- he's not a
 19 manager anymore. He's been promoted.
 20 So he's -- he's out of the management
 21 picture.
 22 Q What's his position?
 23 A He's now a program manager.
 24 Q For what program?
 25 A For software.

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1 Q Karen Troutman, is she rigid?
 2 A I don't know how flexible she is on her
 3 schedules.
 4 Q What about Lisa Moody?
 5 A I'm not familiar.
 6 Q Viki Torres?
 7 A I don't know.
 8 Q What's strict schedule adherence?
 9 A Strict -- well, schedule adherence itself
 10 is comparing the agent's schedule to what actually
 11 happens during the day.
 12 So strict adherence would be a manager
 13 trying to make that -- the two numbers very close.
 14 Q So if your start time is at 9:00 a.m. and
 15 you come in at 9:15, how does that impact the group?
 16 MR. RAY: Objection, vague.
 17 THE WITNESS: It -- it doesn't really
 18 affect the group except that the person is
 19 absent, except the person is not there.
 20 BY MR. LANGE LAND:
 21 Q Is that fine conduct in --
 22 A Oh, that's not for me to say. That's a
 23 manager thing.
 24 Q And do you study that at all?
 25 A No.

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1 Q In terms of the adherence report, though,
 2 you would look at when the person logs in; am I right?
 3 A It's an automatic -- it's an automatic
 4 structure where an adherence report looks at whatever
 5 is scheduled, whether you're talking about a start
 6 time or a lunch time or whatever, and when it actually
 7 happened via the AUX codes or logging in or whatever.
 8 And it automatically gives you, you know,
 9 a percentage rate of this person was 50 percent in
 10 adherence or 90 percent in adherence or that type of
 11 thing. So it's an automatic thing.
 12 Q Do you mean the report is automatically
 13 generated?
 14 A Yes.
 15 Q In your experiences --
 16 A Or rather let me say it's not a manual
 17 report. You can request the adherence report, and
 18 then it automatically comes up with the answer.
 19 Q So you request it for whoever you want to
 20 take a look at; is that right?
 21 A It's usually a scheduled item --
 22 Q Okay.
 23 A -- to be given each week.
 24 I'm not involved in it, but as we -- as
 25 we discussed earlier, it goes to those groups once a

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1 week.
 2 Q To the managers once a week?
 3 A Yeah.
 4 Q Okay. And what about the team leads?
 5 Do they get it?
 6 A Well, it depends what you mean by "team
 7 lead."
 8 Q What is a team --
 9 A We -- there's a -- essentially, we're
 10 talking about the manager's assistant which sometimes
 11 we call the senior, and sometimes there's -- there's
 12 a -- there can be a team lead that has more
 13 responsibilities than just a senior.
 14 So is your question do they also get the
 15 report?
 16 Q Yes.
 17 A The answer is: I believe only the
 18 managers get it, but I'm saying I believe because I
 19 don't do it myself, and I'm not sure.
 20 Q Do you keep the schedules?
 21 A They're stored -- I'm not sure how
 22 long -- in -- in that Lotus database that we talked
 23 about.
 24 Q And --
 25 A ToolSuite.

<p style="text-align: right;">Page 74</p> <p>1 Q ToolSuite.</p> <p>2 A Yeah.</p> <p>3 Q The schedule includes meal and rest</p> <p>4 breaks?</p> <p>5 A I'm sorry. Say it again.</p> <p>6 Q Does the schedule include meal and rest</p> <p>7 breaks?</p> <p>8 A Yes.</p> <p>9 Q What about comp days?</p> <p>10 What are comp days?</p> <p>11 MR. RAY: Objection, foundation.</p> <p>12 Objection, also assumes facts --</p> <p>13 THE WITNESS: I don't have --</p> <p>14 MR. RAY: -- not in evidence.</p> <p>15 THE WITNESS: I'm sorry. Repeat the</p> <p>16 question.</p> <p>17 BY MR. LANGE LAND:</p> <p>18 Q What are comp days?</p> <p>19 MR. RAY: The same objection, foundation</p> <p>20 and assume facts not in evidence.</p> <p>21 THE WITNESS: I don't -- I don't have a</p> <p>22 specific item on our schedules called a comp</p> <p>23 day.</p> <p>24 We have something that I believe</p> <p>25 that's -- that would be similar called a</p>	<p style="text-align: right;">Page 76</p> <p>1 Q All right. And is this ever something</p> <p>2 that IBM gives to an employee instead of pay?</p> <p>3 They give them, hey, you get a comp day.</p> <p>4 You get a day off.</p> <p>5 MR. RAY: Objection, foundation.</p> <p>6 THE WITNESS: No. I have no idea. That</p> <p>7 would be a manager thing. That wouldn't come</p> <p>8 from us.</p> <p>9 BY MR. LANGE LAND:</p> <p>10 Q Have you ever had a comp day?</p> <p>11 A No, I've never had a comp day.</p> <p>12 Q So you wouldn't know anything about comp</p> <p>13 days, if people are paid in comp days?</p> <p>14 A I'm defining a comp day as a paid</p> <p>15 non-working day.</p> <p>16 Is that what you mean?</p> <p>17 Q No. If somebody works say a Saturday and</p> <p>18 instead of getting time and a half, do they ever get</p> <p>19 paid in a comp day for --</p> <p>20 MR. RAY: Objection on lack of</p> <p>21 foundation.</p> <p>22 THE WITNESS: That would -- that would be</p> <p>23 a manager thing. That's not my area, and I'm</p> <p>24 not familiar with that.</p> <p>25</p>
<p style="text-align: right;">Page 75</p> <p>1 personal day, meaning -- meaning a day where</p> <p>2 you don't come into work but are paid for it.</p> <p>3 We don't call it a comp day. We call it</p> <p>4 a personal day. Although, I believe some of</p> <p>5 the manager groups might use that phrase.</p> <p>6 BY MR. LANGE LAND:</p> <p>7 Q So when they refer to comp days, that's</p> <p>8 what you think they're referring to?</p> <p>9 A Yes.</p> <p>10 Q And do you know --</p> <p>11 A Actually, if we receive something with</p> <p>12 that -- with that notation, with that word, we would</p> <p>13 find out what they mean.</p> <p>14 Q Okay.</p> <p>15 A Yeah. What do you mean by this, you</p> <p>16 know.</p> <p>17 Q Right. And what are the answers that you</p> <p>18 would get?</p> <p>19 A It's usually -- it's a personal day.</p> <p>20 Q Is it ever anything else?</p> <p>21 A Not that I'm aware of. Not that I'm</p> <p>22 aware of, no.</p> <p>23 That's -- that's not my side of things</p> <p>24 for the last couple of years. But to my recollection,</p> <p>25 it usually means a personal day, a paid personal day.</p>	<p style="text-align: right;">Page 77</p> <p>1 BY MR. LANGE LAND:</p> <p>2 Q Have you ever heard of that?</p> <p>3 A I haven't heard of it, no.</p> <p>4 Q How are call center employees</p> <p>5 compensated; do you know?</p> <p>6 A That's kind of a general -- general</p> <p>7 question. Could you...</p> <p>8 Q Are they paid on a hourly basis?</p> <p>9 A Most are, yes.</p> <p>10 Q Are they entitled to overtime?</p> <p>11 A I'm afraid I don't work for HR, so I</p> <p>12 don't -- I don't really -- I don't really know.</p> <p>13 That's for the managers' part. You know,</p> <p>14 I do reports, and they do the managing part.</p> <p>15 Q Have you ever heard of them requesting</p> <p>16 overtime?</p> <p>17 A Sure.</p> <p>18 Q And have you seen any reports that show</p> <p>19 overtime?</p> <p>20 A I have seen schedules with overtime on</p> <p>21 them, sure.</p> <p>22 Q And do the schedules -- that they have a</p> <p>23 schedule and it includes, okay, you have to work eight</p> <p>24 hours of overtime or is it something after the fact?</p> <p>25 They've worked the overtime, and the schedule shows</p>